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TO RUEHC/SECSTATE WASHDC 8754  
INFO RUEHCG/AMCONSUL CHENNAI 5349  
RUEHNEH/AMCONSUL HYDERABAD 1154  
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UNCLAS SECTION 01 OF 02 NEW DELHI 002409

SIPDIS

CA/FPP FOR JILL NYSTROM, PLEASE PASS TO DHS

E.O. 12958: N/A

TAGS: [KFRD](#) [CVIS](#) [CMGT](#) [ASEC](#) [IN](#)

SUBJECT: K-1 FIANCE(E)VISAS: TILL DEATH DO US PART?

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SUMMARY  
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¶1. New Delhi has completed its first-ever K-1 Fianc(e) Visa validation study. During FY2008, New Delhi's Immigrant Visa (IV) Unit issued 184 fianc(e) visas. In almost 50 percent of the cases, we were able to contact neither the beneficiary nor the petitioner due to disconnected, non-existent, or unavailable telephone numbers or unanswered calls. In only 41 percent of the cases were we able to confirm that beneficiaries were still living with their petitioner. The difficulty in reaching these visa recipients and the significant number no longer with their fiancs will leave adjudicators with many doubts in future interviews.

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METHODOLOGY  
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¶2. FPU personnel ran the list of 184 K-1 visas issued by the IV Unit during FY2008 through the CCD and forwarded this list to CA/FPP to be checked against the Department of Homeland Security's (DHS) ADIS and CLAIMS systems. Upon receipt of the ADIS and CLAIMS information, FPU undertook multiple steps to organize and interpret the data. First, post reviewed and scrubbed the data to identify the status of each applicant: I485 approved, I485 pending, LPR status, etc. FPU staff then looked up each case in the IVO system and used the address provided at the time of interview and/or the petitioner's Social Security number to supplement the incomplete data provided on the CLAIMS report. Using that information, American FPU staff members checked Lexis Nexis to determine whether or not the beneficiary and petitioner appeared to be living together. For the couples who did not appear to be living together, post made phone calls to the U.S. residence at which one or the other subject seemed to reside.

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FINDINGS  
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¶3. Out of the batch of 184 cases, a total of 76 beneficiaries--only 41 percent--were confirmed to be still living with their petitioners. In 8 cases (4 percent of the total), the beneficiary and the petitioner were confirmed to no longer live together, and in two cases, the beneficiaries had returned to India, presumably not having completed the intended marriage.

¶4. In 59 cases (32 percent), the beneficiaries were unreachable at the telephone numbers listed in IVO and PIERS. In each of these cases, the telephone numbers were found to be either disconnected, non-existent, or incorrect. In another 32 instances (17 percent) there was no answer at the number provided. In short, we were unable to contact either the beneficiary or the petitioner in almost 50 percent of the cases.

¶5. Seven additional cases were deemed inconclusive because no verifiable information on whether beneficiaries were still living with their petitioner could be determined through phone calls.

During the calls, those reached by telephone seemed to be altering their stories as to their relationship to the beneficiary and/or petitioner and/or whether the beneficiary and petitioner continued to live together. These cases, thus, may also be fraudulent.

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LESSONS LEARNED  
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¶6. There was significant difficulty in completing the survey as secondary searches were necessary to locate contact details. In other validation studies completed at post, a straightforward ADIS check revealed whether an applicant had returned to their home country. In this case we were looking at the reverse and trying to locate those who had not returned. The inability to track down petitioners or beneficiaries via the numbers submitted in their official documents raises questions of veracity in the original applications.

¶7. A shocking 57 (31 percent) of the visa recipients had not adjusted status with DHS although they are residing in the United States. Given the parameters of the K-1 visa (applicants must marry within 90 days) and the stated intent of all applicants to go and marry and stay (i.e., in CR-1 status), adjudicators are left with difficult decisions in the future. Did these beneficiaries and petitioners enter a bona fide relationship for legitimate purposes, or did they use the K-1 visa to circumvent U.S. immigration laws? The evidence, while indirect, points to the latter. Given the significant number who went to the United States on the K-1 visa and never adjusted to CR-1 status, post also has concerns that some of the K-1 recipients may have been victims of human trafficking. An analysis of these cases was unable to detect any common patterns,

NEW DELHI 00002409 002 OF 002

however. Our current high refusal rate for K-1 visas (over 50 percent of cases are refused 221g for additional information or because the petition has expired) seems justified. Future applicants' interviews will face higher hurdles to issuance.

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